# CITY COUNCIL OF THE CITY OF SAN DIEGO THE SPECIAL CLOSED SESSION MEETING REPORT

FOR TUESDAY, JULY 30, 2013 CITY ADMINISTRATION BUILDING COMMITTEE ROOM – 12<sup>TH</sup> FLOOR 202 'C' STREET SAN DIEGO, CA 92101

#### REPORTING THE RESULTS OF THE SPECIAL CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council meeting. Public comment on Special Closed Session items are taken in Open Session. Please refer to the City Clerk's minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Special Closed Session meeting of July 30, 2013, as follows:

## SPECIAL CLOSED SESSION MEETING FOR MONDAY, JULY 30, 2013, AT 5:30 P.M.

### **ROLL CALL**:

Present: Council President Gloria, Council President Pro Tem Lightner, and

Councilmembers Faulconer, Cole, Kersey, Zapf, Sherman, Alvarez, and

Emerald.

Absent: Mayor Filner (absent for the meeting).

#### **SPECIAL CLOSED SESSION ITEM:**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(d)(1):

SCS-1 McCormack Jackson v. City of San Diego, et al.

San Diego County Superior Court Case No. 37-2013-00058613-CU-OE-CTL

CDCA Assigned: J. Cordileone

See CS-1 on the Closed Session Meeting Report for July 29-30, 2013.

# Conference with Legal Counsel - significant exposure to litigation, pursuant to California Government Code section 54956.9:

#### SCS-2 Number of Cases: One

DCA Assigned: J. Cordileone.

Motion: Refuse to provide Mayor with a defense; Council finds and determines that

the Mayor's acts were not within the scope of employment and the defense of the action by the City would create a conflict of interest between the City and

the Mayor

Moved: Councilmember Alvarez, District 8 Seconded: Councilmember Lightner, District 1

Vote: Passed unanimously 9 to 0.

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on

Tuesday, July 31, 2013, at 6:50 p.m.

The City Council voted on Special Closed Session Item Number Two to refuse to provide the Mayor with a defense in the *McCormack Jackson v. City of San Diego* case. The City Council found and determined that the Mayor's acts were not within the scope of employment and the defense of the action by the City would create a conflict of interest between the City and the Mayor.

REPORTED BY: /s/ Mary Jo Lanzafame

Mary Jo Lanzafame Assistant City Attorney